

# **The Kentucky State Board for Proprietary Education**

**March 30, 2012**

A regular meeting of the Kentucky State Board for Proprietary Education was conducted on March 30, 2012 at the Office of Occupations and Professions in Frankfort, KY.

<b><u>Members Present</u></b> Bill Johnson, Chairman Jan Gordon, Vice Chairman David Keene Glen Wilham Lois Weaver Leonard Napolitano Walter Lee Jim Jackson  <b><u>Members Absent</u></b> Vivian Nash Dr. Steve Meade	<b><u>Occupations and Professions Personnel</u></b> Lindsey Lane, Board Administrator Courtney Bourne, Executive Director  <b><u>Others</u></b> Brenda Allen, General Counsel Capt. Fred Williams, Kentucky State Police Dr. Tom Barron, Board Investigator Cindy Landry, ATA College Tony Filipe, Ross Education, LLC Candace BenseI, KACCS Linda Blair, Spencerian College
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Chairman Bill Johnson called the meeting to order at 10:43 am.

New Board Members Jim Jackson and Leonard Napolitano were sworn in by Carolyn Benedict of the Office of Occupations and Professions.

## **Approval of Minutes**

Minutes of the February 17, 2012 meeting were presented for the Board's review. Mr. Wilham made a motion to approve the minutes as presented. Mr. Lee seconded that motion and it carried unanimously.

## **Review of Financial Report**

The Board reviewed financial report that ended on February 29, 2012. There were some questions regarding the Student Protection Fund Balance and its calculations. After reviewing

the financial statement with the Financial Section from the Office of Occupations and Professions the current total shown is correct.

### **Licensure Status Report**

Ms. Lane presented the current Licensure Status Report to the Board. The report showed there are currently 122 Resident Schools and 30 Non-Resident Schools for a total of 152 licensed schools. There are 156 licensed school Agents and 27 CDL Instructors.

### **Executive Director Report**

Executive Director Courtney Bourne did not have a report at this time. She will discuss some items under New Business.

### **Board Administrator Report**

Ms. Lane informed the Board of all actions that she had taken since the February 17, 2012 meeting. An approval letter was sent to New Horizons Computer Learning Center, located in Lexington, Kentucky for their Application for a New Program. A denial letter was sent to KY Health Training for their Application for a New Program. The school was missing documentation and the application fee was not paid. Once those items are submitted the application may be resubmitted for Board approval. A denial letter was sent to MedTech College's Lexington Campus for the New Program Application. The school is starting a new Associate Degree Program and will need to submit the Application to Award an Associate Degree to the Board for approval. An approval letter was sent to KY Health Training for their Application to Revise an Existing Program for 25% or More. An approval letter was also sent to Georgetown Nurse Aide Training Center for their Application to Revise an Existing Program for 25% or more. Spencerian College in Louisville, Kentucky and Medical Career Training Center both received acknowledgement letters for the Notifications they submitted where Existing Programs were revised for Less than 25%.

### **Board Counsel Report**

Ms. Allen did not have anything to report at this time but will be following up on agenda items later in the meeting.

### **Board Chair**

There was no report for the March meeting.

## **New Schools / Programs Committee**

### **Application for a Resident School**

Mr. Keene made a motion to approve the Application for a Resident School submitted by Ross Medical Education Center, located in Bowling Green, Kentucky, pending their site visit from the Boards Investigator. Ms. Gordon seconded that motion and it carried. Mr. Keene also made a motion to refund the extra \$500 fee that the school submitted for one of their programs. Ms. Weaver seconded that motion and it carried.

### **Application for a Non-Resident School**

Ms. Gordon made a motion to approve the Non-Resident School Application submitted by RealEstateCE.com, located in Russellville, Tennessee. The school's application was originally submitted in January but deferred due to missing documentation. The application is now complete. Mr. Keene seconded that motion and it carried.

Mr. Keene made a motion to defer the Non-Resident application submitted by 360 Training.Com DBA Learning Insurance.com located in Austin, Texas. The school needs to submit a fire inspection as well as a signed copy of their surety bond. Ms. Weaver seconded that motion and it carried.

### **Application to Change the Location of a School**

Ms. Gordon made a motion to defer the Application to Change the Location of a School submitted by International Truck Driving School located in Bowling Green, KY. The school still needs a fire inspection by the State Fire Marshall and a site visit from the Boards Investigator. Mr. Keene seconded that motion and it carried.

Ms. Gordon made a motion to approve the Application to Change the Location of a School submitted by CDL Training Services & Consulting, Inc. located in Elizabethtown, Kentucky pending a fire inspection report from the State Fire Marshall. Mr. Wilham seconded that motion and it carried.

### **Application to Revise an Existing Program for 25% or More**

Ms. Weaver made a motion to approve the Application to Revise an Existing Program for 25% or more submitted by Spencerian College in Louisville, Kentucky. Mr. Lee seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves from all discussion and the vote on this application.

### **Commercial Drivers License Committee Report**

Mr. Wilham informed the Board he had reviewed two new CDL Instructor applications and made a motion to approve both of them. Ms. Weaver seconded that motion and it carried. Dr. Barron informed the Board he stopped to do a no notice inspection on March 29<sup>th</sup> at a CDL school in Mt. Sterling. While doing the inspection he was able to find there was an Instructor working with students that is not currently licensed by the Board leaving only one licensed Instructor working with multiple students which meant the Instructor/Student ratio was not where it should be. Mr. Wilham explained to the Board that an Instructor that is not licensed may work for an institution while waiting to take the state driving test in Frankfort but they have to always be working with a licensed Instructor during this time period. Dr. Barron informed the owner of the school that the non licensed individual may not get back in the truck with any students until they are licensed by the Board. Mr. Wilham made a motion that the Board send a letter to the school explaining that they are not allowed to recruit any new students or hold any new classes for a minimum of 30 days. This will allow the school time to get everyone licensed and get the student/Instructor ratio back where it should be. If after the 30 days expires, the school is not in compliance it will be subject an immediate Cease and Desist. Mr. Napolitano seconded that motion and it carried unanimously.

### **Complaint Review Committee Report**

There are currently two complaints:

#2011-004 – is in process

#2011-005 – is in process

#2011-006 – is in process

### **Investigator Report – Pending Inspections**

Dr. Barron has started his no notice inspections. He has received schools from Ms. Lane that were picked randomly through license numbers. Those inspection reports will be sent into the Board office to be filed.

### **Old Business**

Ms. Allen reported on the current status of House Bill 308, a bill that would abolish the Board for Proprietary Education and begin working as a Commission under the Workforce Development Cabinet. At this time the Bill has past both the House and Senate Floors and is awaiting the Governor's signature. The sponsor of HB 308 informed the Education Committees that it was in the best interest of the schools and the students to move the schools oversight to

a commission due to several concerns with past Board operations. The Legislators will continue to carry out the mission to see HB 308 protect everyone associated with the schools, most importantly the students.

Ms. Allen gave an update on the Decker College Student Protection Fund claims. A list was given to all members with the names of the students and indicated whether or not they were eligible for the reimbursement. Ms. Gordon made a motion for Ms. Allen to begin notifying these students of their claims status. Mr. Wilham seconded that motion and it carried.

Ms. Allen also handed out some information regarding the regulation changes she plans to file on the Boards behalf. She explained that she'd created a roadmap to show what changes or revisions still needed to be made in order to fulfill some of the recent audit recommendations. All members reviewed her proposed changes and offered some insight on revisions they'd also like to see in the regulations.

#### **Travel and Per Diem**

Mr. Wilham made a motion to approve travel and per diem for all members that attended today's meeting as well as any member that traveled on Board related business since the February meeting. Ms. Gordon seconded that motion and it carried unanimously.

#### **Adjournment**

Mr. Keene made a motion to adjourn the meeting. Mr. Wilham seconded that motion and it carried unanimously.

Meeting adjourned at 12:28pm.